

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

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**TIMOTHY J. DULLEN,**

**Plaintiff,**

**6:05-CV-558  
(GLS/GJD)**

**v.**

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

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**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PLAINTIFF:**

McMAHON, KUBLICK LAW FIRM  
500 South Salina Street  
Suite 816  
Syracuse, New York 13202

JENNIFER GALE SMITH, ESQ.

**FOR DEFENDANT:**

HON. GLENN T. SUDDABY  
Office of the United States Attorney  
100 South Clinton Street  
Syracuse, New York 13261-7198

WILLIAM H. PEASE, ESQ.  
Assistant U.S. Attorney

**Gary L. Sharpe  
U.S. District Judge**

**ORDER**

The above-captioned matter comes before this court following a Report-Recommendation issued by Chief Magistrate Judge Gustave J.

DiBianco on January 9, 2007. Despite the passage of more than ten days, no objections have been filed. Having reviewed the Report-Recommendation for clear error and finding none, the court adopts Judge DiBianco's Report-Recommendation in its entirety.

**WHEREFORE**, it is hereby

**ORDERED**, that the Report-Recommendation filed on January 9, 2007 is **ACCEPTED** in its entirety for the reasons stated therein, and it is further

**ORDERED**, that the Commissioner's decision is **REVERSED** and **REMANDED** pursuant to **SENTENCE FOUR** of 42 U.S.C. § 405(g) for further proceedings consistent with this order; and it is further

**ORDERED**, that the Clerk of the Court provide a copy of this Order to the parties.

February 7, 2007  
Albany, New York

  
United States District Court Judge